

E-Filed 11/3/08

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CHARLES W. O'BRYAN, JR.,

Plaintiff,

v.

RODEO EXPRESS CHARTERS, et al.,

Defendants.

Case Number C 08-3367 JF (RS)

ORDER DISMISSING ACTION
WITHOUT PREJUDICE TO
REFILING IN STATE COURT

On September 18, 2008, the Court dismissed the complaint in this action for failure to state a claim upon which relief could be granted. Plaintiff did not file an amended pleading within the time provided, and did not appear at a Case Management Conference held on October 31, 2008. Accordingly, the action is DISMISSED without prejudice to refile in an appropriate state court.

IT IS SO ORDERED.

DATED: 11/3/08


JEREMY FOGEL
United States District Judge

1 Copies of Order served on:

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3 Charles W O'Bryan, Jr.
4 1275 Ashcroft Lane
5 San Jose, CA 95118
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